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November 26, 2024

**VIA ECF**

The Honorable Jessica S. Allen, U.S.M.J.  
United States District Court  
King Fed. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: *Jazz Pharmaceuticals Ireland Limited v. Lupin Inc., et al.*  
Civil Action Nos. 21-14271 (SRC)(JSA) (consolidated) & 24-8786 (SRC)(JSA)

*Jazz Pharmaceuticals Ireland Limited v. Teva Pharmaceuticals, Inc.*  
Civil Action No. 24-8785 (SRC)(JSA)

Dear Judge Allen:

This firm, together with Quinn Emanuel Urquhart & Sullivan, LLP, represents Plaintiff Jazz Pharmaceuticals Ireland Limited (“Jazz”) in the above-referenced matters.

Pursuant to Your Honor’s November 19, 2024 Letter Order (*see* ECF No. 192 in C.A. No. 21-14271), enclosed is a proposed consolidation order to which the parties have agreed, which, subject to the Court’s approval, would consolidate these cases for all purposes. If the proposed consolidation order meets with the Court’s approval, we respectfully request that Your Honor sign it and have it entered on the respective dockets.

Thank you for Your Honor’s kind attention to these matters.

Respectfully yours,

A handwritten signature in blue ink that reads "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: All counsel of record (via email)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**JAZZ PHARMACEUTICALS IRELAND  
LIMITED,**

**Plaintiff,**

**v.**

**LUPIN INC., LUPIN  
PHARMACEUTICALS, INC., and TEVA  
PHARMACEUTICALS, INC.,**

**Defendants.**

**Civil Action No. 21-14271 (SRC)(JSA)  
Civil Action No. 22-2773 (SRC)(JSA)  
Civil Action No. 23-329 (SRC)(JSA)  
Civil Action No. 23-1617 (SRC)(JSA)  
Civil Action No. 24-8785 (SRC)(JSA)  
Civil Action No. 24-8786 (SRC)(JSA)  
(CONSOLIDATED)**

**(Filed Electronically)**

**[PROPOSED] CONSOLIDATION AND SCHEDULING ORDER**

WHEREAS, Plaintiff Jazz Pharmaceuticals Ireland Limited (“Jazz”) filed Civil Action No. 21-14271 in this Judicial District against Defendants Lupin Ltd., Lupin Inc., and Lupin Pharmaceuticals, Inc. (Lupin Inc. and Lupin Pharmaceuticals, Inc. are together, “Lupin”) on July 28, 2021;

WHEREAS, the Court dismissed Lupin Ltd. from Civil Action No. 21-14271 on March 16, 2022 (D.I. 40);

WHEREAS, the Court consolidated Civil Action No. 21-14271 with (1) related Civil Action No. 22-2773 on June 22, 2022, (2) related Civil Action No. 23-329 on February 15, 2023, and (3) related Civil Action No. 23-1617 that Jazz filed in this Judicial District against Defendant Teva Pharmaceuticals, Inc. (“Teva”) on December 15, 2023 (*see* Civil Action No. 21-14271, D.I. 47, 81, & 116);

WHEREAS, Jazz filed Civil Action No. 24-8785 in this Judicial District against Defendant Teva on August 27, 2024 alleging infringement of U.S. Patent No. 11,986,446 (“the ’446 patent”);

WHEREAS, Jazz filed Civil Action No. 24-8786 in this Judicial District against Defendant Lupin on August 27, 2024 alleging infringement of the '446 patent;

WHEREAS, Jazz, Lupin, and Teva conferred and agree, subject to the Court's approval, that Civil Action Nos. 21-14271, 24-8785, and 24-8786 should be consolidated for all purposes;

WHEREAS, Jazz, Lupin, and Teva also conferred and agree, subject to the Court's approval, that no new contentions, *Markman* proceedings, or fact discovery will be necessary regarding the '446 patent. Further, the parties agree that when the stay of expert discovery is lifted in Civil Action No. 21-14271, the parties will not argue that any expert report relating to the '446 patent exceeds the scope of the parties' contentions so long as the content of the expert reports concerning the '446 patent are within the scope of the parties' contentions exchanged for U.S. Patent Nos. 8,772,306, 9,050,302, 9,486,426, 10,213,400, 10,864,181, and 11,253,494 which are among the current patents-in-suit in Civil Action No. 21-14271;

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2024, for good cause shown,

ORDERED that Civil Action Nos. 21-14271, 24-8785, and 24-8786 (the "Consolidated Actions") are consolidated for all purposes, including discovery, case management, and trial, subject to further order of the Court;

IT IS FURTHER ORDERED that there will be no new contentions, *Markman* proceedings, or fact discovery regarding the '446 patent in the Consolidated Actions;

IT IS FURTHER ORDERED that all filings in the Consolidated Actions shall use the above caption on this Order;

IT IS FURTHER ORDERED that all filings going forward shall be filed in Civil Action No. 21-14271, and that Civil Action Nos. 24-8785 and 24-8786 shall be terminated by the Clerk's office for administrative purposes only; and

IT IS FURTHER ORDERED that the Consolidated Actions shall proceed on the schedule for Civil Action No. 21-14271 (D.I. 116), as modified by the Court's stay order (D.I. 183).

SO STIPULATED:

Dated: November 26, 2024

s/ Charles M. Lizza  
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Teva Pharmaceuticals, Inc.*

SO ORDERED:

Hon. Jessica S. Allen, U.S.M.J.